# IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO. 10 OF 2006

MR. JOSE JULIAO MARINO CIPRIANO RODRIGUES ALIAS JULIAO RODRIGUES AND ANR., ....Applicants

Versus

MR. APOLINARIO FRANCISCO FACUNDO SANTANA FERNANDES AND ANR., ....Respondents

Mr. S.D. Lotlikar, Sr. Advocate with Ms. Shreya Naik, Advocate for the Petitioners.
Mr. Agnelo F. Diniz, For Respondent No. 1 & 2.

Coram:- V.C.DAGA, J.

Date:- 27th July, 2006

P.C.:

By consent of parties, the Review Petition is taken up for admission.

Heard rival parties. Perused the Review Petition.

The applicants are seeking review of the order dated 22nd June, 2005.

The contentions sought to be raised by Mr. Lotlikar, learned Senior Counsel appearing for the Review Petitioner on merits of the matter cannot be examined in the review jurisdiction of this Court. However, after hearing the rival parties, considering the consensus between the parties, the observations made in para 5 of the Order dated 22nd June, 2005 are clarified to say that they should be read in the light of the observations made in para 4 which read as under :-

" Since the tenancy in respect of the disputed properties was transferred in the name of the respondents, it was necessary for the

appellants to first initiate inventory proceedings and establish that the disputed properties could have been the subject-matter of the suit for partition. "

With the above clarification, the Review Petition stands dismissed in limine with no order as to costs.

V.C.DAGA, J.

sl.